

Notice of Hearing

The Department of Natural Resources announces that it will hold a public hearing on a permanent rule AM-31-19 to revise chs. NR 400, 438 and 484 relating to clarifying and updating air contaminant emissions inventory reporting requirements. In accordance with s. 227.17, Wis. Stats., the DNR is seeking public comment and feedback on Board Order AM-31-19 at the time and virtual location shown below.

The public hearing concerns the proposed revision of Wisconsin's State Implementation Plan (SIP) developed under s. 285.11(6), Wis. Stats. Final rules affecting ch. NR 400, 438 and 484, Wis. Adm. Code, promulgated under this rulemaking will be submitted to the United States Environmental Protection Agency (EPA) for approval and incorporation into Wisconsin's SIP.

This public hearing notice and request for comments satisfies requirements in ch. 227, Wis. Stats., for rulemaking and 40 CFR Part 51.102 for submittal of the final rules to EPA as a revision to Wisconsin's SIP.

Hearing Information:

Date: October 29, 2021

Time: 2:00 PM

Virtual Location Link: <https://us02web.zoom.us/j/82578951452>

Call-in Number: +1-312-626-6799

Meeting ID: 825 7895 1452 #

Rule Information:

In 2015, EPA finalized amendments to the Air Emissions Reporting Requirements (AERR) rule (40 CFR 51, subpart A, and 40 CFR 51.122). This rule updated requirements for state and local agencies to collect and submit emissions data to the EPA. Currently, some inconsistencies exist between Wisconsin's air emissions reporting requirements codified in ch. NR 438, Wis. Adm. Code, and the AERR rule. The department is proposing to revise ch. NR 438, Wis. Adm. Code, to meet federal requirements in the AERR rule. Proposed changes to ch. NR 400 and 484, Wis. Adm. Code, ensure consistency with the revised ch. NR 438, Wis. Adm. Code. Updating ch. NR 438, Wis. Adm. Code, will ensure the state has a legally sufficient state implementation plan (SIP), required under Section 110(a)(2) of the federal Clean Air Act (CAA) and maintains Wisconsin's approval under Title I of the CAA.

Accessibility:

For the hearing or visually impaired, non-English speakers, or those with other personal circumstances which might make communication at the meeting/hearing difficult, DNR will, to the maximum extent possible and with reasonable advance notice, provide aids including an interpreter, a non-English, large-print, or recorded version of hearing documents. To access these resources, please contact the email address or phone number listed below as soon as possible.

Appearances at the Hearing and Submittal of Written Comments:

The public has the opportunity to testify at the hearing. To register and join the hearing online or by phone, use the information provided above. Pre-registration is also available and is strongly encouraged if you plan to provide spoken comments during the hearing. To pre-register, either use the Zoom link above or download and complete the fillable [Hearing Appearance form](#) and send it to oliviae.salmon@wisconsin.gov.

Comments on the proposed rule must be received on or before November 5, 2021. Written comments may be submitted by U.S. mail, E-mail, or through the internet and will have the same weight and effect as oral statements presented at the public hearing. **Written comments and any questions on the proposed rules should be submitted to:**

Department of Natural Resources

Attn: Olivia Salmon – AM/7

101 S. Webster Street

PO Box 7921

Madison, WI 53707-7921

oliviae.salmon@wisconsin.gov or DNRAdministrativeRulesComments@wisconsin.gov

The rule may be viewed at: <https://dnr.wisconsin.gov/news/input/ProposedPermanent.html>

Initial Regulatory Flexibility Analysis:

The proposed rule will not have an economic or fiscal impact on small businesses. The proposed changes will not involve an emission fee increase for sources and will not require sources to install new emissions monitoring equipment or reporting systems. If the proposed emissions reporting requirement for particulate matter with an aerodynamic diameter equal to or less than 2.5 μm (PM_{2.5}) is applicable to a small business, there could be a small administrative impact in the form of time required to report and certify annual PM_{2.5} emissions.

Agency Small Business Regulatory Coordinator:

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